

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

THE GENERAL HOSPITAL  
CORPORATION and DANA-FARBER  
CANCER INSTITUTE, INC.,

Plaintiffs,

v.

ESOTERIX GENETIC LABORATORIES,  
LLC, and LABORATORY  
CORPORATION OF AMERICA  
HOLDINGS,

Defendants.

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Civil Action No. 18-cv-11360-IT

JUDGMENT

October 26, 2020

Plaintiffs, The General Hospital Corporation and Dana-Farber Cancer Institute, Inc., sued Defendants, Esoterix Genetic Laboratories, LLC (“Esoterix”) and Laboratory Corporation of America Holdings (“LabCorp”), for breach of contract (Count I) and related claims (Counts II through VII). Second Amended Complaint [#81]. On September 4, 2019, this court granted in part Plaintiffs’ Motion for Partial Summary Judgment [#95] as to Count I (Breach of Contract) and Count IV (Accounting/Injunctive Relief) and granted in part Defendants’ Motion to Dismiss [#88] as to Count V (Reformation of Contract – Mistake). On October 21, 2020, pursuant to the parties’ Stipulation of Dismissal [#152], Plaintiffs dismissed without prejudice the remaining claims of the Second Amended Complaint [#81]. Accordingly, it is hereby ORDERED and ADJUDGED that:

1. Judgment is hereby entered in favor of Plaintiffs and against Defendant Esoterix as to Count I (Breach of Contract) and Count IV (Accounting/Injunctive Relief) in the sum of \$1,291,427.13, plus pre-judgment interest and post-judgment interest at the rate

set forth in Section 4.8 of the Exclusive License Agreement between Plaintiffs and Defendant Esoterix, dated May 2, 2005, and without costs;

2. Judgment is hereby entered for Defendants Esoterix and LabCorp and against Plaintiffs on Count V (Reformation of Contract – Mistake);
3. Count I (Breach of Contract) and Count IV (Accounting/Injunctive Relief) are hereby dismissed without prejudice as to Defendant LabCorp;
4. Count II (Breach of the Implied Covenant of Good Faith and Fair Dealing) and Count III (Violation of M.G.L. Chapter 93A, §§ 2 and 11) are hereby dismissed without prejudice as to Defendants Esoterix and LabCorp; and
5. Count VI (Piercing the Corporate Veil) and Count VII (Unjust Enrichment) are dismissed without prejudice as to LabCorp.

Dated: October 26, 2020

/s/ Indira Talwani  
United States District Judge